IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

WP(C).No. 21838 of 2007(Y)

PETITIONER:

PRAVEEN CHANDAR R., AGED 11 YEARS,
STUDYING IN VITH STANDARD, BSUP SCHOOL,
KALADY,REPRESENTED BY HIS FATHER K.M.RAMACHANDRAN,
AGED 42 YEARS, S/O. MARUTHAN, RESIDING AT
VADAKOTTATHARA, KOTTATHARA P.O., AGALI, ATTAPADY.

BY ADV. SRI.P.LEELAKRISHNAN
SRI.SHYAM KRISHNAN

RESPONDENTS:

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1. THE PRINCIPAL,
JAWAHAR NAVODAYA VIDYALAYA, NERIAMANGALAM,
ERNAKULAM DISTRICT.

2. THE TAHSILDAR,
MANNARKKAD TALUK, PALGHAT DISTRICT.

3. THE TAHSILDAR,
ALUVA TALUK, ERNAKULAM DISTRICT.

4. THE ASST. EDUCATIONAL OFFICER,
ANGAMALY, ERNAKULAM DISTRICT.

5. THE PRESIDENT/CHAIRMAN,
NAVODAYA VIDYALAYA SAMITHI, MINISTRY OF HUMAN
RESOURCES DEVELOPMENT, GOVERNMENT OF INDIA,
A-28, KAILASH COLONY, NEW DELHI-110 048.

BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR GENERAL
SRI.P.K.VIJAYAMOHANAN
BY SR.GOVT. PLEADER SRI.BENJAMIN PAUL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD

ON 23/07/2007, THE COURT ON THE SAME DAY DELIVERED THE

FOLLOWING:

APPENDIX (WP(C) NO.21838 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the 1st respondent's communication dtd.31.5.2007.

Ext.P2: Copy of the petitioner's nativity certificate dtd.11.6.2007.

Ext.P3: Copy of the petitioner's caste certificate dtd.12.6.2007.

Ext.P4: Copy of the petitioner's residence certificate dtd.11.6.2007.

Ext.P5: Copy of the affidavit of the petitioner's father dtd.11.6.2007.

Ext.P6: Copy of the residence certificate dtd.10.6.2007 issued by the Tahsildar, Aluva.

Ext.P7: A model of the prescribed form of the residence certificate.

Ext.P8: Copy of the guidelines of the entrance examiantion to the Navodaya Vidyalaya.

Ext.P9: Copy of the representation dtd.28.6.2007 filed by the petitioner's father before R5.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO. 21838 OF 2007 - Y

Dated this the 23rd day of July, 2007

J U D G M E N T

The petitioner, a minor, represented by his father seeks admission to the Jawahar Navodaya Vidyalaya, Neriamangalm which has been refused on the ground that the petitioner is not a native of Ernakulam District. The petitioner submits that he is residing in Ernakulam District and therefore, as per the prospectus, he is entitled to admission. This is contested by the first respondent. According to the first respondent, going by clause 4.A. of Ext.P8 prospectus, only natives of the particular district alone will be entitled to admission to Navodaya school in that District. According to counsel for the first respondent, there are Navodaya schools in all Districts and admission is regulated on the basis of nativity of the students.

2. Learned counsel for the petitioner would submit that it is not nativity that matters, but residence. He would submit that he is a resident of Ernakulam District and

therefore, he is entitled to admission in accordance with the provisions of Ext.P8 prospectus.

3. I have considered the rival contentions in detail. In clause 4A of Ext.P8, it is stated that only those applicants from the Districts where the particular Navodaya Vidyalaya is situated are entitled to admission to the Navodaya Vidyalaya in that District. But, in clause (B) in the chapter appearing after clause 4E in Ext.P8, it is specifically stated that those students, who apply in the quota for rural students, should have studied in classes III,IV and V in recognised schools in rural areas in that District. If a Government servant who is a native of a particular District is transferred to another District, he cannot be expected to have his children educated in his native District itself. Necessarily, he will have to get his children educated in the District where he is transferred to. Therefore, construing these provisions harmoniously, I am satisfied that what is relevant is not nativity, but residence. If, that be so, the petitioner is entitled to admission in the

Navodaya School because he has sufficiently proved that he is a resident of Ernakulam District.

4. I therefore allow this writ petition and direct the first respondent to grant the petitioner admission if he is otherwise eligible.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007